

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

eShares, Inc. d/b/a Carta, Inc.,

*Plaintiff,*

v.

Jerry O. Talton, III,

*Defendant.*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No.: 22-cv-10987 (JMF)

---

**NOTICE OF PARTIAL MOTION TO DISMISS PLAINTIFFS' FIRST  
AMENDED COMPLAINT PURSUANT TO FED. R. CIV. P. 12(B)(6) AND MOTION  
TO STRIKE PURSUANT TO FED. R. CIV. P. 12(F)**

PLEASE TAKE NOTICE that, upon the memorandum of law dated the 21st day of June 2023 and filed contemporaneously herewith, Defendant Jerry O. Talton III, will move this Court before the Honorable Jesse M. Furman, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, on a date and time designated by the Court, for an Order dismissing with prejudice, in part, Plaintiffs' First Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(6) and striking specific portions of Plaintiff's First Amended Complaint Pursuant to Federal Rules of Procedure 12(f).

Dated: June 21, 2023

Respectfully submitted,

**McALLISTER OLIVARIUS**

/s/ John F. O. McAllister

John F.O. McAllister

641 Lexington Ave.

New York, NY 10022

(212) 433-3456

[jmcallister@mccolaw.com](mailto:jmcallister@mccolaw.com)

*Attorney for Defendant Jerry O. Talton III*